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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nga Marie Nguyen

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08/09/2007

ROGITZ & ASSOCIATES

750 B STREET

SUITE 3120

SAN DIEGO, CA 92101

EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

08/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/991,541

Applicant(s)

NGUYEN, NG A MARIE

Examiner

Harun M. Yimam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Pre-Appeal Brief, filed 04/24/07, with respect to the rejections of claims 1 – 24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Carpenter (WO 01/041430).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.. Claims 1 – 16 and 19 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter (WO 01/041430).

Considering claims 1, 9, and 19, Carpenter discloses a system and a corresponding method for presenting television station content and non-television station content on a TV (page 21, lines 23-33), comprising:

a TV (38 in figure 2—page 5, lines 12-15); and a channel metaphor device coupled to the TV (34 or 36 in figure 2—page 6, lines 13-16), the channel metaphor device receiving signals from a television signal provider (14 in figure 2—page 7, line 29 – page 8, line 5), wherein

at least some of the signals originate at television stations (PPV3 and TBS—figure 11) and are associated with respective channel numbers (99 and 100 respectively), and

the channel metaphor device also receiving at least one non-television station signal (YAHOO home page, page 21, lines 23-33) having an associated channel number (channel 101 in figure 11),

at least some of the channel numbers (99 and 100 in figure 11) being associated with the television stations (PPV3 and TBS respectively – figure 11) and said channel number (channel 101 in figure 11) being associated with non-television station signal (YAHOO home page, page 21, lines 23-33) being dynamically established by the television signal provider (page 21, lines 5-10), some of the signals from the television signal provider from time to time indicating changes in said channel numbers (the previously assigned channel number to a web site is now reassigned to another web site thereby indicating changes in said channel numbers—page 21, lines 5-10).

As for claims 2, 10 and 20, Carpenter discloses that the non-television station signal is a Web page from the Internet (page 9, lines 1-19 and page 15, lines 18-21).

With regards to claims 3, 11 and 21, Carpenter discloses that the non-television station signal is a service selected from the group including television set up services (designating particular channels as favorite channels—see 118 figure 11, page 11, lines 5-11 and page 22, lines 1-18 wherein any channel including the channel associated with the non-television station signal can be designated as a favorite channel).

Regarding claims 4, 12 and 22, Carpenter discloses that the channel associated with the non-television station signal is associated with at least one rating (page 25, line 29 – page 26, line 7).

Considering claims 5, 13 and 23, Carpenter discloses that the non-television station signal is selectively displayed on the TV based on the rating (when a user selects to display certain website channels, they are presented according to their rating that corresponds with said user (page 25, line 29 – page 26, line 16)).

As for claims 6, 14, Carpenter discloses that a user of the system can prevent display of a channel associated with the non-television station signal based on the

Art Unit: 2623

rating (by utilizing the parental control functions—see 120 in figure 11 and page 25, line 29 – page 26, line 16).

With regards to claims 7, 15 and 24, Carpenter discloses that the channel associated with the non-television station signal can be designated as a "favorite" channel (see 118 figure 11, page 11, lines 5-11 and page 22, lines 1-18 wherein any channel including the channel associated with the non-television station signal can be designated as a favorite channel) using an input device (remote control 40 in figure 2 and page 11, lines 5-11).

Regarding claims 8 and 16, Carpenter discloses a remote control user input device (remote control 40 in figure 2 and page 11, lines 5-11), the remote control user input device not being a computer keyboard and being the only user input device associated with the TV except for channel, volume, and TV setting controls located on a housing of the TV (see figure 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (WO 01/041430) in view of Sahota (US 2001/0047518).

Considering claims 17 and 18, Carpenter discloses a channel metaphor device coupled to a TV (34 or 36 in figure 2—page 6, lines 13-16) and further discloses the channel metaphor device receiving signals from a television signal provider (14 in figure 2—page 7, line 29 – page 8, line 5).

However, Carpenter fails to disclose said channel metaphor device (set-top-box) embodied in a TV.

In analogous art, Sahota discloses a channel metaphor device (set-top-box) embodied in a TV (paragraph 0025, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter's system to include televisions with built-in set-top-boxes, as taught by Sahota, for the benefit of reducing the number of physical devices in a home network.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER